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City Club of New York

Protecting the future of New York City

[New York]

1916

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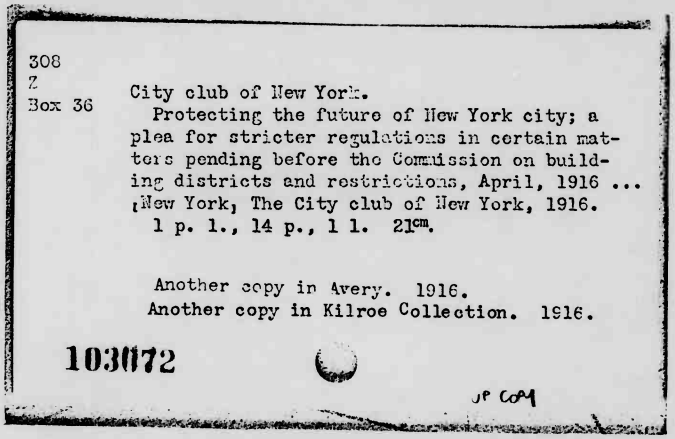

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Protecting the future of New York city; a plea for stricter regulations in certain matters pending before the Commission on building districts and restrictions, April, 1916 ... [New York, The City club of New York, 1916.
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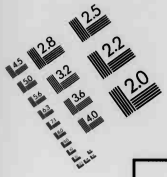

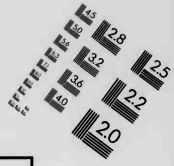

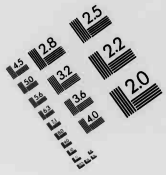

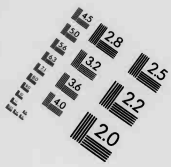

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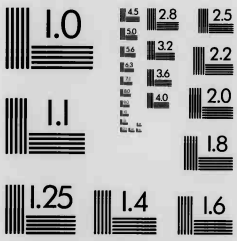

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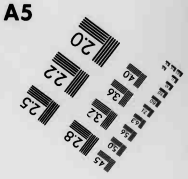

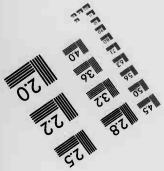

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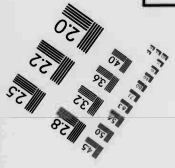

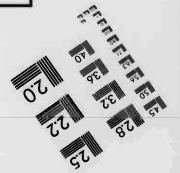

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A PLEA FOR STRICTER REGULATIONS IN CERTAIN MATTERS PENDING BEFORE THE COMMISSION ON BUILDING DISTRICTS AND RESTRICTIONS, APRIL, 1916

Stated briefly, our criticism is that, with the possible exception of Manhattan, your districting in its allowance of height and area is so liberal as to fail to accomplish the results which your report, your entire attitude and the frame work of your plans themselves show that you wish to obtain.

·1916·
THE CITY CLUB OF NEW YORK
55 West 44th Street

PROTECTING THE FUTURE OF NEW YORK CITY

A Plea for Stricter Regulations in certain matters pending before the Commission on Building Districts and Restrictions

April, 1916.

New York City, through the work of the Commission on Building Districts and Restrictions, is attempting the biggest piece of city planning in America.

Both this Commission and the Board of Estimate desire to go just as far in insuring better housing and working conditions as the public opinion of the city will permit.

Every citizen with the slightest vision wishes that our city shall develop in the future in greater order and stability; and with the insurance of sufficient light, air, and street access in every part of the city where present development does not preclude it.

Every citizen with the slightest intelligent concern for the future of this city has a moral obligation to make his influence felt at the present moment to attain this object.

The Commission on Building Districts and Restrictions deserves the thanks of the entire city. Most of its proposals are excellent so far as they go; but in a number of important matters they do not go far enough.

The deficiencies in the present proposals of the Commission consist of far too liberal height limitations and too liberal allowances as to the proportion of the lot area which may be built upon.

Most of the districts, particularly outside the Borough of Manhattan, in which the height of buildings is permitted to be one and one-half times the width of the street, should be reduced to once the width of the street, or less.

Most of the so-called "C" districts and some of the "B" districts should be made "D" districts, with the more adequate limitations upon the use of the lot area which are provided for in the "D" classification.

These criticisms should be read in connection with the Tentative Report of the Commission on Building Districts and Restrictions, dated March 10, 1916, and accompanying plans. Copies may be secured by writing to the Commission at 501 Municipal Building.

We earnestly urge you to communicate with the Chairman and other members of the Commission on Building Districts and Restrictions, the membership of which is indicated on the last page of this pamphlet.

In a previous memorandum* we have urged the preservation of our small parks as neighborhood centers by restricting the streets surrounding such parks to residential and public uses. The Park Commissioner of Brooklyn and the City Club have filed with the Commission surveys and suggestions regarding the treatment of most of the small parks of the city; and the Commission has already greatly increased the number of parks wholly or partially restricted for residential purposes.

The fuller accomplishment of this recommendation is dependent upon the creation of a fourth class of restrictions for the use of buildings, which will provide for that very wide-spread combination of **business**

* *A Plea for the Preservation of our Small Parks as Neighborhood Centers,* City Club of New York, 1916. Copies on request.

and residence, which consists of shops and stores, without manufacturing, on the ground floor and tenements or apartments above. The establishment of this fourth classification will enable the city to secure the fullest possible protection of park surroundings with the least possible detriment to property values. Your support of this recommendation is earnestly urged.

We call your particular attention to Paragraphs 5-6; 9-10; 15-17 of the following memorandum, which more fully explains the chief defects in the Commission's present proposals:

April 11, 1916.

Commission on Building Districts and Restrictions:

Gentlemen:

1. The City Club has already expressed its hearty approval of the main purposes and principles underlying the work of your Commission in its districting of this city as expressed in your tentative report, and of the application of those principles in the various boroughs as exhibited in your tentative resolutions and the plans carrying them out. In a pioneer endeavor of this magnitude and difficulty it would be most remarkable if there were not mistakes which, if uncorrected, would most seriously mar the finished work. It is because you fully realize this fact that in your many public hearings and private conferences with regard to this huge task you are devoting so much time and such patient attention to criticisms and suggestions. It seems to be the universal feeling that never has there been a commission more hard-working, more patient, more open-minded, or more fair.

2. It is your hope and belief,—indeed the object for which you are working,—that the district regulations which you are drawing up and applying shall produce in each of the individual districts of the city a type of

development which, when once it has occurred, will of itself render it difficult, if not impossible, to erect types of buildings in these districts alien to that typical development; and therefore make it equally difficult or impossible to change the regulations underlying that development. For this reason any but minor mistakes in these regulations at this time are likely to be irreparable.

3. We believe that there **are** mistakes in your tentative resolutions and plans; but that, fortunately, these mistakes may be remedied, not by radical changes, but partly by readjustments, partly by logical extensions of your work along the lines already laid down by you. The various detailed criticisms of what you have, in general, so well done are, as we shall show, related parts of a general criticism. That criticism, although applying in different degrees to the districting in all parts of our city, relates specially to its outlying portions, where districting, seemingly easier, is really quite as difficult as in a section already developed, and much more effective and important. Our suggestions, therefore, relate not so much to Manhattan as to the other boroughs, including Brooklyn, which you are now considering.

4. We wish to express our admiration of your tentative resolutions and plans for districting this city according to use. Little as we have to suggest in this part of your undertaking, we do feel that our criticisms may enable you to carry out this branch of your work more in accord with the general principles you have stated in your report.

5. To provide for industry insofar as it is necessary as an incident to business, you suggest that the employment for industrial purposes of (1) twenty-five per cent., or (2) in any event two floors, of any building in a business district be permitted. Unquestionably industry as such with its trucking, its street and sidewalk congestion, its smoke and inevitable noises, is

destructive of the essential characteristics and advantages of business districts. We agree with you, however, that, as an incident to business, and to the extent to which it is incidental, industry must be admitted into these districts. We feel that the percentage of permissible industry which you have fixed as incidental is too large and would permit great congestion in business districts. Be that, however, as it may, we think that to allow two floors of industry, no matter how low the building, is a grave mistake. In the central portions of the city where buildings are high, this provision would doubtless have little effect on the type of building erected. In the outlying sections, however, factories not perhaps exceeding two stories are commercially possible, and there is no reason to suppose that they would be temporary. Even if they were temporary, they would hinder or lower the character of permanent improvements; if they were permanent, they would create a development totally different from that which your Commission in your wisdom has decided is most advantageous in the district; or else produce that confusion and disorder which it is one of the main purposes of districting by use to prevent. In a word, instead of allowing incidental industry in your business districts, you have allowed industry there pure and simple to the exclusion of business. Nor is this the most serious phase of the matter. Since the business districts are also districts which will be used for residence by many of our citizens of limited means, you have brought intensive industry with all its perils to health and life to the doors of the class most needing protecting, because least able to protect itself.

6. In allowing in all cases two floors of buildings in business districts to be used for industry, your Commission may have been influenced by the calculation that as a rough average, the use of two floors for this purpose in a low building of a given area would produce the same amount of street traffic and congestion

as the use of twenty-five per cent. in this way in a high building. In so far as the "two floor" provision would produce the factory pure and simple, instead of permitting merely industry incidental to business, it may be doubted whether this is altogether correct. In any event traffic is not the chief, much less the only consideration, in districting. If the amount of land that could be or has been tentatively devoted to industry were insufficient for such use, there would be more reason for this provision in spite of the confusion it introduces in business districts. It is, however, the general opinion that your Commission has been unable to confine industry within areas sufficiently limited to avoid those sudden changes which in the past have done us such injury. We therefore ask you to reconsider this provision.

7. In a former communication to your Commission we have already advocated the creation of a fourth use class,—that of shops on the ground floor, with residences above. The employment of this use class, although it does not remove all the objections to the "two floor" provision, of which we have just been treating, would remove many people from its evil effects. We have also heretofore urged upon you the advisability of placing streets near small parks in the residential use class. With this new classification you will in many cases where it would be difficult to apply the strictly residential classification, be able to accomplish much the same results. The plans which we have filed with you, showing in detail the present use of buildings near certain typical parks, and the printed information of like nature with regard to many other parks in the several boroughs which we have been glad to furnish you, not only tends strongly to prove the possibility and wisdom of this method of saving and increasing the usefulness of our small parks, but also the expediency of creating and employing this fourth use class in many other parts of the city.

8. Let us now turn to your tentative height and

area limitations. Here again we are in general in hearty accord with you. We feel, however, that here also the failure to remedy certain defects, as may be done without departure from the principles already laid down by yourselves and your predecessors, the Heights of Buildings Commission,—would entail grave consequences to the city for all time to come.

9. **Stated briefly, our criticism is that, with the possible exception of Manhattan, your districting in its allowance of height and area is so liberal as to fail to accomplish the results which your report, your entire attitude and the frame work of your plans themselves show that you wish to obtain.**

10. Does not your treatment of Brooklyn clearly illustrate the truth of this statement? For instance, over large areas of Brooklyn you have allowed buildings to be constructed to a height equal to one and one-half times the width of the streets on which they are to be erected. On a typical 60-foot street this is the equivalent of eight or nine stories. But, with the probable exception of the Heights, Park Slope, and perhaps Eastern Parkway, and of course the Borough Hall district, the waterfront and a few other industrial districts, the present development in Brooklyn,—always excepting terribly congested Williamsburg, with its six stories,—is three- or four-story tenements, or one- and two-family houses.

11. It may be true,—indeed we are inclined to think it is,—that height otherwise excessive may be allowed if in compensation area is sufficiently limited. This, which it would seem that your Commission intended to do, you have not in fact accomplished. For instance, but for Section 16 of your resolutions, which brings in the existing tenement house area limitation of seventy per cent., a five- or six-story building in a C district on a 50x100 foot lot might occupy over seventy per cent. of the lot, and an eight-story 80-foot building only the

fraction of a per cent. less than seventy. It is only, therefore, in the case of the fireproof building above eight stories, that your C provisions limit the total area of residential buildings, and in the case of these buildings, the limitation is slight. It must also be remembered that it is not so much the well-to-do tenant of the better class of building with his many comparatively large rooms that needs protection as the poorer man in his five, or perhaps six, story walk up.

12. Again:—In your tentative report you say that the D district "is intended generally for one- and two-family houses, either singly or in rows. Apartments, however, are not excluded but are handicapped by the restrictions as to percentage of lot that may be occupied and size of yards and courts." This handicap, as provided in your tentative resolutions, is altogether too slight to accomplish the purpose intended. We have calculated that in a D district a five-story tenement may be built covering sixty per cent. of the lot, accommodating with 560 square feet each twenty-five families. In Brownsville and East New York, as you know, structures four stories in height, covering seventy per cent. of the lot, housing with 583 square feet of floor space twenty-three families, are being constructed in great numbers. The differences between the proposed and the Brownsville type are dangerously small. If, therefore, there is any efficacy in, or need of, districting and the creation of types of buildings in different districts, and if your Commission desires to accomplish what your tentative report states as your purpose, you will be obliged greatly to change the D provisions.

13. What we have just stated with regard to C and D districts, and previously with relation to height limitations, was not intended to apply solely in those connections, but to illustrate the amount and character of amendment of your plans, which, after careful study of the wealth of material which you have collected and

charted, we so earnestly urge your Commission to make.

14. Change of the sort we urge involves, however, as land becomes cheaper, and its present use less and less intense, not only the strengthening of your height and area provisions, all along the line and for all the outlying boroughs, but some additions to and extensions of them. This may be done simply by creating districts of the same type as those already suggested, but with severer height and area limitations. A better method would be to establish a somewhat different type of district suited to and made possible by the different conditions.

15. The types of district which so far you have provided for are, on the whole, much better suited to Manhattan than anywhere else in the city. After the medical and engineering testimony which you received at your hearing Thursday, March 30, you no doubt feel the urgent need of tightening the restrictions with regard also to Manhattan, if only you are able to see how it may be done. Careful study will surely reveal differences in development and land values sufficient to enable you to rescue parts of upper Manhattan from the B-1½ provisions to which you are about for all time to condemn it. In any event, it seems evident that your present regulations are suited to a typical congested tenement house development such as will no doubt prevail very extensively in Manhattan. We believe that whatever may be true of Manhattan, such regulations are not necessary in the other boroughs. In Brooklyn, for instance, the single house is holding its own, more land being developed with this type of building each year than with tenements. That the Heights of Buildings Commission believed in providing for rather than preventing types of building other than that of the congested tenement is shown by their suggesting in their report a district in which height should be limited to 50 feet, and another in which it should be restricted to 36 feet, at the street

line. These were, of course, mere hints of districts and not fully developed districting provisions; but they at least indicate the point of view that we believe should, and in reality does, prevail in your Commission. There is much cheap land in this great city; there are enormous areas in it which, fortunately, are still undeveloped. There, at least, we can still not only permit but aid our people to do pleasant things, and do them in their own way. There, it is still possible to give people more freedom in the use of their land than seems to have been feasible in the parts subjected to minute codes for areas congested with endless tenements, all much alike. It has been done elsewhere under similar conditions. In Forest Hills, Boston, for instance, are to be found three-story buildings, covering not more than twenty-five per cent. of the lot, furnishing light, air, view, gardens, tennis courts and recreation space of many kinds to all the tenants at a moderate cost. Might not the giving to a land owner of the option in these outlying districts to go up higher than some low limit like 36 feet, if he covered a less proportion of his lot, be one of the many ways which study will reveal of accomplishing a variety of results somewhat like these, if your Commission desires them? In a later memorandum we may be able ourselves to suggest other methods of limiting height and area in most parts of the city which will allow the builder greater freedom without endangering the public welfare. Here, however, as elsewhere, it is in the skill, industry and wisdom of your Commission that we are glad to trust.

16. To what we have urged in the districting of this city as to height and area, your tentative report contained but one answer, and that is the implication to be found in many parts of it that land the same time distance by the new dual transit system from City Hall should receive the same districting provisions. With any such principle we most emphatically disagree. No such principle, so far as we are aware, has even been suggested before in the history of districting.

The true principle, we believe, was stated by the Heights of Buildings Commission in the chapter of its report entitled "Conclusions and Recommendations,"* as follows:

> "Profiting by past experience, we can do much to safeguard the future. We can prevent the repetition all over the city of conditions and evils now confined to comparatively limited areas. Regulations, however, must be carefully devised so as not to interfere unduly with existing property values."†
>
> "The Commission believes that any complete system of height and court restriction necessitates the application of different regulations to different parts of the city. The city should be divided into districts, and the restrictions for each district worked out with reference to the peculiar needs and requirements of that particular district * * * The blanket restrictions which we have recommended for immediate adoption have, as a matter of fact, been devised with reference to the needs of the downtown office and financial district—the area of maximum congestion. They have been worked out with a view of securing as much light, air, relief from congestion and safety from fire as is consistent with a proper regard for business requirements and existing land values in this area of maximum congestion * * * We believe that the needs of each district should be studied in the same way that we have studied the central office and financial district and restrictions worked out that will best serve the peculiar needs of each district."‡

17. It is this principle of height and area restriction so stated by the Heights of Buildings Commission as the result of their investigation and deliberation,—the principle of the greatest protection against growing

*Chap. VI. †Ib., p. 56. ‡Chap. VI, p. 66.

and spreading congestion that is consistent with due regard for existing conditions and values, the principle that you have more nearly followed in Manhattan than elsewhere,—which we urge you to follow in Brooklyn and the other outlying boroughs. Instead, you are permitting eight and nine stories where three or four now prevail; and the crowded Brownsville tenement where the one- and two-family house is now being built, or development has hardly begun; thus allowing at the very outer limits of our great city the typical central Berlin tenement.

18. It may be said that Manhattan congestion is necessary within Manhattan distances from City Hall in order to provide housing within the five-cent transit limit by the new dual subway and elevated system for access to City Hall and its environs. To this there are many answers. There is a vast area still available in Brooklyn, Queens and The Bronx. Surface cars and transfers will provide transportation to these areas as need for them gradually arises. Better still, decentralization of industries essential for so many reasons will develop subsidiary centers. Much of Jersey is still near; or, if local patriotism forbids such a suggestion, Staten Island, almost unoccupied and large enough to hold all New York City, can be brought by subway within twelve minutes of City Hall. Even the land speculator should know by this time that the greedy do not always become rich. If the skyscraper does not pay, why should the use of an excessive proportion of the lot continue to do so in these days when we are beginning to demand light, air, sun and space for outdoor life?

19. These are the principles which with earnestness and full conviction we urge you to follow. For the putting of these principles into effect, we make the following recommendations:

(a) The establishment of a fourth use class, to consist of shops, without industry, on the ground floor, with residences above.

(b) The application of the residential classification, or the fourth use classification, to streets in the neighborhood of parks, especially the smaller ones.

(c) The study of the needs of the small park as a neighborhood center. For instance, the large theatre should be excluded, but not the neighborhood theatre; all the minor public buildings, too, should be allowed.

(d) The further study of the problem of the garage, so unpleasant and dangerous near residences, and so destructive of business values on the block front on which it is situated; with a view to excluding the garage so far as possible from these neighborhoods.

(e) The abolition of the "two floor" provision with regard to incidental industry in business districts; and the change of the twenty-five percentage to a lesser proportion.

(f) In outlying A districts surrounded by C or D districts (in so far as such conditions are actually recommended by you), the provision that residences instead of being subject to B provisions should be governed by C or D regulations; such fact being appropriately indicated by a double letter designation of the district, such as AC or AD.

(g) A restudy of upper Manhattan with a view to the establishment of C or D area districts, and "one time" height districts.

(h) The elimination of C districts in Brooklyn, Queens, Richmond, and perhaps The Bronx. The substitution of D districts for most of

the B and much of the C districts. The establishment and employment in the remaining parts of these boroughs of districts more restricted than D, or of other types of district, with options and generally greater freedom to the land owner in the use of his land.

(i) A change in the height regulation in all the boroughs except Manhattan, so that most of the territory in "one and one-half times" districts shall be limited to a less height, either the "one times" or a stricter limitation. The stricter limitation of parts of the "one times" districts. The establishment for application to outlying territory of other types of district, with options and generally greater freedom to the land owner in the use of his land.

Yours truly,

FRANK B. WILLIAMS, *Chairman,*
Committee on City Planning.

COMMISSION ON BUILDING DISTRICTS AND RESTRICTIONS OF THE CITY OF NEW YORK

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